

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Marion District of Oregon

____ Division

Dean
Derrick Coffelt

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Katharine R. Semple

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

6:20-cv-00636-AC

(to be filled in by the Clerk's Office)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Derrick Dean Coffelt

All other names by which
you have been known:

ID Number

14542758

Current Institution

Marion County Jail

Address

4000 Aumsville Hwy SESalemOR97317

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Katharine SempleJob or Title (*if known*)Deputy District Attorney

Shield Number

Employer

Marion County, Oregon District Attorney

Address

555 Court St NE PO Box 14500SalemOR97309

City

State

Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 2

Name

N/AJob or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

N/A

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name

N/A

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Amendment VI, Amendment VIII, Amendment XIV

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

On 12/5/19, an Information was entered in the circuit court of the state of Oregon for the county of Marion. Katharine Semple was the deputy district attorney for case no. 19CN05532

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (explain) Convicted, not yet sentenced

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
 On 12/5/19, Katharine Semple entered an information in court against me. I never waived my right to a speedy trial. Ms. Semple used this information to revoke and forfeit my bail of \$25,000.00. This information kept me incarcerated and the case was dropped on 3/13/20, as my right to a speedy trial had been violated.
- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

Between 12/5/19 and 3/13/20

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I was wrongfully incarcerated beyond my right to a fast and speedy trial. My trial should have been held prior to 2/3/20. Upon information and belief, I was held beyond the date so Ms. Semple could gather evidence against me in another case and out of vindictiveness. I have been away from my family including four children. I paid \$25,000.00 to be with my family through trial and support them emotionally and physically. That was all taken away. Case No 19CN05532 was dismissed on 3/13/20, two days after trial on 3/11/20 for

V. Injuries case no. 19CR56101, where she used phone conversations obtained from a jail phone as evidence to convict me. See exhibits A and B. If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Injuries to my reputation as a local business owner, as I had to be away from my business. Financial injuries that affect the wife and four children I support. Mental suffering, emotional distress, humiliation, and a definite inconvenience and interference with normal and usual daily activities. All described in ORS 31.710 under economic and non economic damages.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- A declaration that the acts violated rights under the U.S. Constitution
- A preliminary or permanent injunction banning Ms. Semple from all my cases
- Compensatory damages in the amount of \$200,000.00
- Punitive damages in the amount of \$200,000.00
- A jury trial on all issues triable by jury
- A temporary restraining order against Katharine Semple until a preliminary injunction is obtained to prevent future vindictiveness

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Marion County Jail, Oregon

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

N/A

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

The grievance system within the jail is not setup to grieve deputy district attorneys.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I mailed in a "notice of tort" to Marion county that should have been received the week of 3/2/20. There was no response.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I had asked my court appointed counsel what to do, he stated he would look into it. I have mentioned the situation to numerous deputies within the facility as well.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? No

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☐ Yes☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

4/9/20

Signature of Plaintiff

Derrick Coffelt

Printed Name of Plaintiff

Derrick Coffelt

Prison Identification #

14542758

Prison Address

Marion County Jail 4000 Aumsville Hwy SESalem

City

OR

State

97317

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

THE STATE OF OREGON
Plaintiff,

vs.

DERRICK DEAN COFFELT,
(DOB: 10/22/1983)
Defendant

No. 19CN05532
INFORMATION

The above named defendant is accused by Paige E. Clarkson, District Attorney for the County of Marion, by this information of the crimes of:

Count 01: ORS 33.015* CONTEMPT OF COURT(Punitive)

Count 02: ORS 33.015* CONTEMPT OF COURT(Punitive)

committed as follows:

COUNT 01 A Restraining Order of the Marion County Circuit Court, 19PO08470, having been duly entered and made on 08/27/2019 and the defendant knowing said order was in existence, did, on or about 12/01/2019-12/04/2019, unlawfully and willfully disobey said Court's order by contacting the petitioner.

The District Attorney further states that the maximum sanction sought is a punitive sanction of six (6) months confinement. The State seeks a punitive sanction of confinement in this case.

COUNT 02 In an act of the same or similar character as alleged in Count 01 above, the defendant, on or about December 3, 2019, in Marion County, Oregon, did unlawfully and willfully disobey an order of the Marion County Circuit Court by contacting Kayte Coffelt.

The state seeks the following punitive sanctions for each contempt of court alleged above: 180 days in the Marion County Jail.

Dated at Salem, Oregon, this 5 day of December, 2019.

PAIGE E. CLARKSON
Marion County District Attorney

By: [Signature] For
KATHARINE R SEMPLE, OSB #162011
Deputy District Attorney

I/C

KRS/ell

AGENCY: SMP AGENCY #: 19-45270

IDENTIFIERS: W/M Ht: 510 Wt: 170 Hair: BRO Eyes: HAZ SID: 14542758

INST: MARJ CNTRL# JMAR119154196

12/5/2019 COPIES: 1=Defendant; 1=File; 1=mcso

PAIGE E. CLARKSON
District Attorney for Marion County, Oregon
355 COURT STREET NE
P.O. BOX 14500
SALEM OR 97310

Filed
5-14

12/5/2019 10:04 AM

19CR56101

FILED 17 APR '20 10:42 USDC-ORE

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

THE STATE OF OREGON) No. 19CR56101
)
Plaintiff,) MOTION TO SHOW CAUSE WHY
) RELEASE AGREEMENT SHOULD NOT
vs.) BE REVOKED AND SECURITY
DERRICK DEAN COFFELT,) FORFEITED
)
Defendant)

COMES NOW the State of Oregon by and through KATHARINE R SEMPLE,
Deputy District Attorney for Marion County, and moves the Court for an Order revoking
the Release Agreement hereinbefore granted defendant in the above mentioned case on
11/22/2019 and forfeiting security.

This motion is based upon the information that the defendant has violated the
terms of the Release Agreement in the following respects, to wit: had contact with the
victim, as set out in the report from Salem Police Department, dated 12/04/2019, a copy
of which is attached hereto and by this reference made a part hereof.

Dated at Salem, Oregon, this 5 day of December, 2019.

[Signature] FOR
KATHARINE R SEMPLE, OSB #162011
Deputy District Attorney

PAIGE E. CLARKSON
District Attorney for Marion County, Oregon
555 COURT STREET NE
P.O. BOX 14500
SALEM OR 97309

Incident # SMP19045270 - Offense/Incident Report

REPORT DATE / TIME Dec 4, 2019 12:20	EVENT START DATE / TIME - EVENT END DATE / TIME Dec 3, 2019 11:08 - 12:40	PRIMARY REPORTER EMILY PENA #S266
STAT REPORTING		
<input type="checkbox"/> Graffiti	<input checked="" type="checkbox"/> Domestic	
<input type="checkbox"/> Juvenile	<input type="checkbox"/> Gang Related	
<input type="checkbox"/> HIPAA	<input type="checkbox"/> Emotionally Distressed Person	
<input type="checkbox"/> Transient	<input type="checkbox"/> Transit Mall	
<input type="checkbox"/> High Risk Runaway	<input type="checkbox"/> Pursuit	
<input type="checkbox"/> Hate/Bias	<input type="checkbox"/> Use of Force	

NARRATIVE

On 12/03/2019 at 1217 hours, I responded to a call for service from Marci Myers-Olivera. She reported her daughter, Kayte Coffelt, had a restraining order against her husband, Derrick Coffelt. Marci said that Derrick had been contacting Kayte both on the phone and in person.

I spoke with Marci via phone. She said Kayte was too scared to call the police herself. Marci said Derrick had been texting Kayte and they met up at the Shiloh Inn to take the kids swimming. Marci was unsure of the date they met up. Marci advised that Derrick and Kayte have seen each other five times since he was bailed out of jail on 11/15/2019. Marci also said Derrick had called Kayte from the jail multiple times.

I made contact with Kayte next. She denied any communication between her and Derrick. Kayte said Derrick had been sending their daughter letters asking to have the family get together. Kayte said she considered this, but decided not to have the family get together as she was scared of him. Kayte said Derrick had not tried to contact her in any way. Kayte denied Derrick ever calling her from the jail. Kayte advised she would immediately call the police if Derrick contacted her.

I called Marci and told her what Kayte said. Marci stated Kayte was not telling the truth because she was scared of her name being in a police report. Marci said that Kayte is terrified of Derrick. Marci was able to send me a screenshot of messages Derrick had sent Kayte. Derrick sent Kayte texts such as, "I fucking love you. Why do you do this?" and I want to keep going on, but I'm really just done defending myself to you and everything you said. You were wrong. You can't admit that. And we can't be together until you do. Now I see the difficulty. Goodbye." Marci said she believed Derrick sent those messages between 12/02/2019 and 12/03/2019. The messages Marci sent me do not show a date.

Marci was unsure of where Derrick was living but did advise that Derrick owns a barbershop in the Reed Opera House, Big Derrick's Barber Shop.

I attempted contact with Kayte again several times but she did not return my phone calls.

No further information at this time.

Routing: DVA

Disposition: Inactivated pending suspect contact.

OFFENSE-1

OFFENSE CODE			
RESTRAINING ORDER VIOLATION (SPECIFY OFFENSES) 133.310			
OFFENSE START DATE Dec 2, 2019 07:30		OFFENSE END DATE Dec 3, 2019 09:00	
OFFENSE LOCATION			
LOCATION NAME / STREET ADDRESS/LOCATION NAME / APT, UNIT, STE / DESCRIPTION 4692 SWEGLE RD NE			
CITY SALEM	STATE OR	ZIP 97301	COUNTRY CODE US
REPORTING OFFICER SIGNATURE / DATE EMILY PENA #S266 Dec 4, 2019 12:20 (e-signature)		SUPERVISOR SIGNATURE / DATE MARK SEYFRIED #S137 Dec 4, 2019 13:42 (e-signature)	
PRINT NAME EMILY PENA #S266		PRINT NAME MARK SEYFRIED #S137	

Incident # SMP19045270 - Offense/Incident R

Salem Police Department)

Pg 2 of 2

LOCATION CATEGORY Residence/ Home / Apartment / Condo	DISTRICT / DISTRICT / NEIGHBORHOOD SMP06	PUBLIC / PRIVATE Private
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VICTIMS-1

VICTIMS-1 NAME (LAST, FIRST MIDDLE)

DOB / ESTIMATED AGE RANGE

V-1 COFFELT, KAYTE LEANN

SEX Female	RACE / ETHNICITY White / Not Hispanic Or Latino	PHONE NUMBER [REDACTED]
---------------	--	----------------------------

HOME ADDRESS

[REDACTED]

SUSPECTS-1

SUSPECTS-1 NAME (LAST, FIRST MIDDLE)

DOB / ESTIMATED AGE RANGE

S-1 COFFELT, DERRICK DEAN

1983-10-22

SEX Male	RACE / ETHNICITY White / Not Hispanic Or Latino	PHONE NUMBER (971) 239-2397 (MOBILE)
-------------	--	---

HOME ADDRESS

4692 SWEGLE RD NE, SALEM, OR 97301

WITNESS-1

WITNESS-1 NAME (LAST, FIRST MIDDLE)

DOB / ESTIMATED AGE RANGE

W-1 MYERS OLIVERA, MARCI DENISE

SEX Female	RACE / ETHNICITY WHITE / UNKNOWN	PHONE NUMBER [REDACTED]
---------------	-------------------------------------	----------------------------

HOME ADDRESS

[REDACTED]

RELATIONSHIPS ADDENDUM

NAME	RELATIONSHIP	SUBJECT
KAYTE LEANN COFFELT	SIGNIFICANT OTHER OF	DERRICK DEAN COFFELT
KAYTE LEANN COFFELT	CHILD OF	MARCI DENISE MYERS OLIVERA

REPORTING OFFICER SIGNATURE / DATE

EMILY PENA #S266 Dec 4, 2019 12:20 (e-signature)

PRINT NAME

EMILY PENA #S266

SUPERVISOR SIGNATURE / DATE

MARK SEYFRIED #S137 Dec 4, 2019 13:42 (e-signature)

PRINT NAME

MARK SEYFRIED #S137



Exhibit B

Salem Police Department

Incident # SMP19045351 - Arrest Report

REPORT DATE / TIME Dec 4, 2019 17:14	DISTRICT / DISTRICT / NEIGHBORHOOD SMP06	EVENT START DATE / TIME - EVENT END DATE / TIME Dec 4, 2019 02:47 - 03:56
PRIMARY REPORTER EMILY PENA #S266		
ASSISTING PERSONNEL / TYPE(S) ERIC REBELLO #S264 (*Cover Officer)		
REPORT TAKEN LOCATION 4692 SWEGLE RD NE, SALEM, OR 97301 189 LIBERTY ST NE, B13, SALEM, OR 97301		
STAT REPORTING <input type="checkbox"/> Graffiti <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Juvenile <input type="checkbox"/> Gang Related <input type="checkbox"/> HIPAA <input type="checkbox"/> Emotionally Distressed Person <input type="checkbox"/> Transient <input type="checkbox"/> Transit Mall <input type="checkbox"/> High Risk Runaway <input type="checkbox"/> Pursuit <input type="checkbox"/> Hate/Bias <input type="checkbox"/> Use of Force		

NARRATIVE

On 12/04/2019 at 1511 hours, I went to Big Derrick's Barbershop, 189 Liberty St NE to arrest Derrick Coffelt for violation of a release agreement and a restraining order. Before arriving on scene, dispatch confirmed the restraining order and the no contact order from the release agreement.

I arrived at the location and contacted Derrick. I told Derrick he was under arrest and placed him into handcuffs. I checked the handcuffs for proper placement, orientation, and tightness before double locking them. I searched Derrick for weapons and means of escape and found nothing of importance on him. I secured Derrick in the back of my patrol vehicle.

I read Derrick his Miranda Rights from a prepared card. He said he understood his rights and had no questions about them. Derrick denied sending any messages to his wife, Kayte Coffelt. He said he would have no way of sending her messages because he did not have a phone. I told Derrick I had screenshots of messages he sent her. Derrick said he did not want to speak with me further.

→ I saw in Mark43 that Ofc. White had probable cause to arrest Derrick for the same charges (SMP19045351).

I transported Derrick to the Marion County Jail and lodged him on Ofc. White's charges as well as the charges I had probable cause for. Violation of a Restraining Order and Violation of a Release

Routing: Marion County District Attorney

Disposition: Case cleared by arrest.

ARREST #AR000916 (ON-VIEW / PROBABLE CAUSE)

ARREST DATE / TIME Dec 4, 2019 15:30	ARRESTING ORGANIZATION Salem - SMP	DEFENDANT IS JUVENILE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
ARREST TYPE On-View / Probable Cause	ARRESTING OFFICER EMILY PENA #S266	

REPORTING OFFICER SIGNATURE / DATE
EMILY PENA #S266 Dec 4, 2019 17:18 (e-signature)
PRINT NAME
EMILY PENA #S266

SUPERVISOR SIGNATURE / DATE
JAMES WELSH #S380 Dec 5, 2019 10:23 (e-signature)
PRINT NAME
JAMES WELSH #S380

DEFENDANT



DEFENDANT NAME (LAST, FIRST MIDDLE)

D-1 COFFELT, DERRICK DEAN

SEX

Male

DOB / ESTIMATED AGE RANGE

1983-10-22

RACE / ETHNICITY

White / Not Hispanic Or Latino

PHONE NUMBER

(971) 239-2397 (MOBILE)

EMAIL ADDRESS

HOME ADDRESS

4979 WIND STONE WAY NE, SALEM, OR 97301

DEFENDANT WAS ARMED WITH

*Unarmed

ARREST LOCATION

LOCATION NAME / STREET ADDRESS / LOCATION NAME / APT. UNIT, STE / DESCRIPTION

189 LIBERTY ST NE

CITY

SALEM

STATE

OR

ZIP

97301

COUNTRY CODE

US

LOCATION CATEGORY

Commercial/ Office Building

DISTRICT / DISTRICT / NEIGHBORHOOD

SMP07

PUBLIC / PRIVATE

Private

CHARGES

CHARGES - 1

VIOLATE RELEASE AGREEMENT - WARRANT | 135.250(A)

COUNT

1

INCIDENT #

SMP19045351

OFFENSE CODE

VIOLATE RELEASE AGREEMENT - WARRANT | 135.250(A)

OFFENSE START DATE

Dec 3, 2019 21:53

OFFENSE END DATE

Dec 4, 2019 02:26

ARREST DISPOSITION DATE / TIME

Dec 4, 2019 15:30

ARREST DISPOSITION

☐ Taken Into Custody on Warrant or Previous ☐ Summoned / Cited Not Taken Into Custody

Incident Report

☒ On View Arrest - Without Warrant or
Previous Incident Report

CHARGES - 2

RESTRAINING ORDER VIOLATION (SPECIFY OFFENSES) | 133.310

COUNT

1

INCIDENT #

SMP19045351

OFFENSE CODE

RESTRAINING ORDER VIOLATION (SPECIFY OFFENSES) |
133.310

OFFENSE START DATE

Dec 3, 2019 21:53

OFFENSE END DATE

Dec 4, 2019 02:26

ARREST DISPOSITION DATE / TIME

Dec 4, 2019 15:30

ARREST DISPOSITION

☐ Taken Into Custody on Warrant or Previous ☐ Summoned / Cited Not Taken Into Custody

Incident Report

☒ On View Arrest - Without Warrant or
Previous Incident Report

WARRANTS

WARRANT NUMBER - 1

N/A

INVOLVED PERSONS

INVOLVED PERSON-1 NAME (LAST, FIRST MIDDLE)

P-1 COFFELT, DERRICK DEAN

DOB / ESTIMATED AGE RANGE

1983-10-22

SEX

Male

RACE / ETHNICITY

White / Not Hispanic Or Latino

PHONE NUMBER

(971) 239-2397 (MOBILE)

REPORTING OFFICER SIGNATURE / DATE

EMILY PENA #S266 Dec 4, 2019 17:18 (e-signature)

PRINT NAME

EMILY PENA #S266

SUPERVISOR SIGNATURE / DATE

JAMES WELSH #S380 Dec 5, 2019 10:23 (e-signature)

PRINT NAME

JAMES WELSH #S380

Marion County Probable Cause Statement & Data Sheet

☒ In Custody ☐ Warrant Requested ☐ Misdemeanor Citation Issued

CHILDREN PRESENT? ☐ Report forwarded to DHS Child Welfare Police Incident/Case # 19045270

☐ Reliable Eyewitnesses ☐ Confession/Admission/Provable Lie ☒ Physical Evidence Connecting Defendant to Crime

I offer the following information based upon my information and belief:

Name of Arrestee: COFFELT, DERRICK DOB: 10/22/83
 Crime(s) Alleged: VIOLATION OF RELEASE AGREEMENT -135.250; RESTRAINING ORDER VIOLATION-133.310
 Date of Crime(s): BETWEEN 12/02/2019 & 12/03/2019 Location of Crime(s): [REDACTED]
 Date of Arrest: 12/04/2019 Location of Arrest: 198 LIBERTY ST NE
 Other Arrestees: _____
 Victim(s) of Crime: COFFELT, KAYTE DOB: [REDACTED]
 Victim Address: [REDACTED] Victim Phone: [REDACTED]
 Victim(s) of Crime: _____ DOB: _____
 Victim Address: _____ Victim Phone: _____
 Witness(es) ☒ Adult ☐ Minor: MYERS-OLIVERA, MARCI [REDACTED]
 Witness(es) ☐ Adult ☐ Minor: _____
 Injury: _____ Loss/Damage: _____ Value: _____

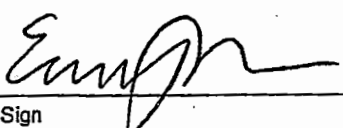
Summary of Probable Cause:

On 12/03/2019 at 1217 hours, I responded to the report of a restraining order/no contact order violation. Marci Myers-Olivera reported her daughter, Kayte Coffelt, had a restraining order and no contact order against her husband, Derrick Coffelt. Marci said that Derrick had been contacting Kayte both on the phone and in person.

I contacted Marci. She said Kayte was too scared to call the police herself. Marci said Derrick had been texting Kayte and they have met five times in person since Derrick was released from jail on 11/15/2019. I contacted Kayte who denied Derrick ever texting her. Kayte also said she never met with Derrick in person. Marci was able to send me screenshots of messages Derrick had sent Kayte. The messages included, "I fucking love you. Why do you do this?" and I want to keep going on, but I'm really just done defending myself to you and everything you said. You were wrong. You can't admit that. And we can't be together until you do. Now I see the difficulty. Goodbye." Marci said the messages were sent between 12/02/2019 at 0730 hours and 12/03/2019 at 0900 hours.

The restraining order states, "Except as otherwise ordered, Respondent is prohibited from contacting or attempting to contact Petitioner by email, social media, or any other electronic method, directly or through another person. By phone or text message."

This is also a violation of the release agreement, Derrick signed before being released from the Marion County Jail which states: "7. Do not have direct or indirect contact, in any manner, with the alleged victim(s) or witness(es)."

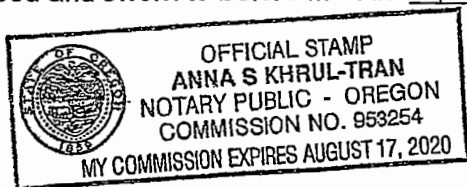
Submitted by:  E. PENA S266/59266 SMP 12/4/2019
 Sign Print Name ID-DPSST Dept. Date Completed

I, _____, State of Oregon)
) ss. Under penalty, I declare that I have examined this statement, and to the best of my knowledge and belief, it is true, correct, and complete.

NOTA PUBLIC - OREGON
 COMMISSION NO. 053254

County of Marion) and is based on all information of which the preparer has any knowledge.

Subscribed and sworn to before me this 4TH day of DECEMBER, 20 19



[Signature]
Deputy Clerk of the Court

- ☐ I find that probable cause exists to believe the arrestee committed the crime(s).
☐ I find that insufficient probable cause exists so the defendant must be released on this charge.
☐ No decision is needed, because the defendant has been released.

Judge: _____ Date: _____ Time: _____

FILED 17 APR '20 10:42 USDC-ORE

Exhibit C

19-8155
KRS
hgt 1-17-20
hgt 1-24-20
T 3-10-20STATE OF OREGON
Multnomah County Circuit Courts

DEC 05 2019

FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE THIRD JUDICIAL DISTRICT19CR56101
ORFS
Order - Forfeiting Security
12065397

STATE OF OREGON,

Plaintiff,

Vs.

Derrick Coffelt

Defendant.

ORDER FORFEITING BAIL

Case Number: 19CR56101This matter was set for arraignment on 12-5-19
on violation of release agreement + contempt of court in 19 CN05532☐ The defendant failed to appear at this proceeding.☒ The defendant violated the terms of their release agreement and it was revoked. Victim
contact.The security deposit posted in this matter for the amount of \$ 25,000 IS NOW
HEREBY FORFEITED.

IT IS SO ORDERED

Dated this 5 day of Dec, 2019.
Circuit Court JudgeJ. Gardner Pro Tem
Print, Type, or Stamp Name of Judge

CC: Accounting; DA; Defense Attorney; Defendant

ORDER FORFEITING BAIL - Page 1 of 1

(8/11/10)

Exhibit D

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

THE STATE OF OREGON,)	No. 19CR56101
Plaintiff,)	
vs.)	AMENDED
)	INDICTMENT
DERRICK DEAN COFFELT,)	
Defendant.)	

The Defendant is accused by the Grand Jury of the County of Marion and the State of Oregon, by this indictment of the criminal offenses of:

Count 01: ORS 163.175* ATTEMPTED ASSAULT IN THE SECOND DEGREE CONSTITUTING DOMESTIC VIOLENCE(C Felony)

Count 02: ORS 163.187* STRANGULATION CONSTITUTING DOMESTIC VIOLENCE(C Felony)

Count 03: ORS 163.160* ASSAULT IN THE FOURTH DEGREE CONSTITUTING DOMESTIC VIOLENCE(A Misdemeanor)

Count 04: ORS 163.187* STRANGULATION CONSTITUTING DOMESTIC VIOLENCE(C Felony)

Count 05: ORS 163.187* STRANGULATION CONSTITUTING DOMESTIC VIOLENCE(C Felony)

Count 06: ORS 163.175* ASSAULT IN THE SECOND DEGREE CONSTITUTING DOMESTIC VIOLENCE(B Felony)

Count 07: ORS 163.275 COERCION(C Felony)

Count 08: ORS 163.275 COERCION(C Felony)

committed as follows:

COUNT 01 The defendant, on or about August 24, 2019, in Marion County, Oregon, did unlawfully and knowingly attempt to cause serious physical injury to Kayte Coffelt. The state further alleges that the above described conduct was an incident constituting domestic violence.

COUNT 02 In an act connected with, or constituting part of a scheme or plan common to Count 01, the defendant, on or about August 24, 2019, in Marion County, Oregon, did unlawfully and knowingly impede the normal breathing or blood circulation of Kayte Coffelt by applying pressure to the throat and neck of Kayte Coffelt. The state further alleges that the above described conduct was an incident constituting domestic violence.

COUNT 03 In an act connected with, or constituting part of a scheme or plan common to Count 01 and Count 02, the defendant, on or about August 24, 2019, in Marion County, Oregon, did unlawfully and intentionally cause physical injury to Kayte Coffelt. The state further alleges that the above described conduct was an incident constituting domestic violence.

COUNT 04 In an act connected with, or constituting part of a scheme or plan common to Count 01 through Count 03, the defendant, on or about August 24, 2019, in Marion County, Oregon, did unlawfully and knowingly impede the normal breathing or blood circulation of Kayte Coffelt by applying pressure on the throat and neck of Kayte Coffelt. The state further alleges that the above described conduct was an incident constituting domestic violence.

Call 819
10/19